SINGLE BENCH

C.J. 100

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 1766 OF 2005

PETITIONER : Dr. Mahendra Prakash Pujari, son of Shri B.L. Pujari, aged about 58 years, Assistant Superintendent, Dr. B.R. Ambedkar Hospital, Raipur, resident of Sharda Chowk, Raipur.

P.R. No. 1779/05
Presented by B.P. Sharma
dated 21.04.05

VS

RESPONDENTS : 1. State of Chhattisgarh, through the Secretary, Ministry of Public Health & Family Welfare, D.K.S. Bhawan, Raipur.

2. The Secretary, Ministry of Public Health & Family Welfare, D.K.S. Bhawan, Raipur.

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

FOR PETITIONER

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक ...W.P.1766/ **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

3-5-2005

Mr. Ajit Singh, counsel for the petitioner.

Mr. Sudhir Agrawal, Panel Lawyer for the State/respondents.

Heard both the counsel.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, being aggrieved by the illegal and arbitrary action of the respondents in not promoting the petitioner to the post for which he is entitled and at the same time promoting other persons much junior to him.

The case of the petitioner is that after completion of medical education and on an application made by him to the then State of Madhya Pradesh he has been posted as Demonstrator in Orthopedics Surgery Class-II vide order dated 13-7-1992 (Annexure P-1) in the fixed salary of Rs.235/- per month for a period of six months or subject to qualifying in the Public Service Commission examination for the said post. Thereafter, the petitioner appeared in the said examination, secured 77th position in the merit list all over the State of Madhya Pradesh, and posted as Demonstrator in Orthopedics, Medical College, Raipur, vide order dated 17th/22nd August, 1973 (Annexure P-3). The petitioner has been transferred as regular Assistant Surgeon in the year 1975. Thereafter, while in service the petitioner secured Masters Degree in

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक ..... W.P. 1766/ ..... **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Orthopedics in the year 1977, and subsequently, he was granted selection grade vide order dated 26-1-1984.

Further case of the petitioner is that various persons much below his rank have been posted as Directors, Deputy Directors, Chief Medical Officers & Civil Surgeons in various district hospitals of the State ignoring the petitioner's merit and seniority. The petitioner has made representation dated 22-3-2005 (Annexure P-7) to consider his case of promotion, but the respondent authorities are not paying any heed to his representation.

Learned counsel for the petitioner submits that the petitioner may be allowed to make a representation to respondent No.2 raising all his grievances, and in turn, respondent No.2 be directed to consider the representation in an objective manner and pass appropriate order, to which learned Panel Lawyer has no objection.

Having heard learned counsel for the parties and having regard to the limited prayer made by learned counsel for the petitioner, as the request made is just and fair, therefore, the petitioner is allowed to make a representation afresh to respondent No.2 within ten days from today raising all his grievances, and in turn, respondent No.2 after considering the points raised by the petitioner shall decide the representation in an objective manner and pass appropriate order within

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आदेश पत्रक

मामला क्रमांक W.P.1766/ **सन्** **200**5

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..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

two months from the date of receipt of the same, in accordance with law.

With the direction aforesaid, the petition stands disposed of.

Consequently, I.A.No.3377/2005 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma